



UNITED STATES PROBATION & PRETRIAL SERVICES
District of New Hampshire

MEMORANDUM

DATE: September 6, 2019

TO: Honorable Andrea K. Johnstone
U.S. Magistrate Judge

FROM: Janice Benard
U.S. Probation Officer Specialist

RE: US v. Jeffrey Roy (Dkt. #19-CR-135-09-PB)

Report of Bail Violation – Summons Requested

The probation officer respectfully recommends that the Court issue a summons and schedule a bail violation hearing to address this noncompliance. In support of this recommendation, the probation office offers the following information.

Release Status

On June 20, 2019, the defendant was arrested and appeared before Your Honor for an initial appearance and arraignment. At that time, the defendant was ordered temporarily detained pending a detention hearing. On June 21, 2019, the defendant was ordered detained pending inpatient treatment and released on personal recognizance with multiple conditions including pretrial services supervision. Trial is scheduled to commence on May 5, 2020.

Details of Current Violation

Condition #8(i): The defendant shall meaningfully participate in and complete a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.

On July 17, 2019, following completion of a residential substance abuse program, the defendant engaged in the intensive outpatient program (IOP) at Phoenix House Keene (NH) Center. On August 28, 2019 the defendant self-discharged without consulting the probation officer. On September 3, 2019, the defendant informed the probation officer that he left IOP because they failed to provide certain medications and would not let him work. However, according to the discharge summary provided by Phoenix House, the defendant tested positive for fentanyl on August 9, 2019 and August 24, 2019; he was asked to leave a session due to inappropriate sexual talk during group and not stopping when asked to by the facilitator; and he failed to attend an

appointment with a consulting psychiatrist for a psychological medication evaluation after showing signs of depression and anxiety. The defendant was offered a higher level of care by Phoenix House (i.e., their residential treatment program) which he declined and instead discharged himself from the program and rescinded all of his releases.

Condition #8(p): The defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

On August 29, 2019, the defendant provided a urine sample that tested positive for the presence of fentanyl through laboratory analysis. On September 3, 2019, the defendant was confronted and admitted to this officer that he relapsed the week before. Notably, the defendant failed to disclose to this officer that he also tested positive twice previously while participating in IOP at Phoenix House.

Reviewed & Approved by:

/s/ Eric Gray
Eric Gray
Supervising U.S. Probation Officer

09/05/2019
Date

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant/Matter Sealed Pending Arrest
- ☒ The Issuance of a Summons
- ☐ Other

Andrea K. Johnstone September 6, 2019
Honorable Andrea K. Johnstone Date
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